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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/032,551	02/26/1998	TIMOTHY P. WERVE	97RSS444/708	1063

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WELSH & KATZ, LTD  
120 S RIVERSIDE PLAZA  
22ND FLOOR  
CHICAGO, IL 60606

EXAMINER

NGUYEN, STEVEN H D

ART UNIT PAPER NUMBER

2665

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Office Action Summary</b>	<b>Application No.</b> 09/032,551	<b>Applicant(s)</b> WERVE ET AL.	
	<b>Examiner</b> Steven HD Nguyen	<b>Art Unit</b> 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/13/04 has been entered.

### ***Drawings***

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the presented drawings are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Objections***

3. Claim 25 is objected to because of the following informalities: "19" should be changed to "20". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-18, 19-36 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As claim 1, line 22, claim 19, line 24, “the determined type ... question” is vague and indefinite because it does not refer to any previous elements.

As claims 8 and 27, The recitation “the determined ... further” is vague and indefinite because it does not refer to any previous elements. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-5, 8-24, 27-42 and 45-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stovall et al (USP 6192050) in view of Miloslavsky (USP 6625139) and Cave (USP 5958014).

As claims 1-3, 5, 8-13, 15-22, 24, 27-32, 34-39, 42 and 45-55, Stoval discloses (Fig 1-3 and col. 1, lines 59 to col. 8, lines 15) a method for establishing an audio call path between an Internet user accessing a web site and an agent of the web site comprises the steps of providing the web site with a plurality of audio access icons and a plurality of agents; each audio icon disposes on a respective web page (Fig 2-3 discloses a web server which includes plurality of web pages having a plurality of call buttons, each button is disposed with a respective web page; wherein the customer click on the button to establish an internet telephone between the customer and agent at the call center); an ACD which places the IP address of user in a call queue of the associated agent until a next available agent becomes available (Col. 3, lines 64 to col. 4, lines 15); the IP address is forwarded to the agent, wherein the web site decodes the requested message for obtaining IP address wherein the IP address is entered in an entry window and the agent uses the IP address for establishing a voice path between the agent and customer by exchanging the IP addresses (Col. 4, lines 51-65 and col. 5, lines 53-57). However, Stovall fails to fully disclose detecting an activation of an audio access icon of plurality of icons as help request, searching for an agent of the plurality of agents in a context where a terminal of the agent functions as a web site and where the activated audio access icon functions as an additional search term used along with the an information content of the web page of the activated audio

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access icon; selecting an agent of the plurality of agents with best relative ability to answer the determined type of question based upon the search. In the same field of endeavor, Miloslavsky (Figs 1-23 and col. 1, line 40 to col. 40, line 3) discloses detecting an activation of an audio access icon of plurality of icons as help request (Col. 12, lines 46-58), searching for an agent of the plurality of agents in a context where a terminal of the agent functions as a web site and where the activated audio access icon functions as an additional search term used along with the an information content of the web page of the activated audio access icon; selecting an agent of the plurality of agents with best relative ability to answer the determined type of question based upon the search (col. 1, lines 53-56, col. 3, lines 45-60, col. 13, lines 14-53 and col. 14, lines 7-36, col. 15, lines 1-14, col. 20, lines 1-7, col. 21, lines 54-61, col. 25, lines 52-60, col. 30, lines 29-42; the customer clicks on the icon to speak to an agent, the IP address of the customer and information reviewed web page will be send to call center for determining to select a quality agent from an agent group which is associated with this product and language skill and additional search term is read on the icon to be click of the web page and the agent terminal is function of web site because it received a incoming call, the request and context are used as a search terms for the best agent); a customer information which is stored in the database, is retrieved to transmit to the workstation of the selected agent of the agent group (col. 25, lines 1-9); transfer a collected information and identifier agent to a database of the web site and the group of agents and retrieve the user record from database and display this record at the terminal of agent (col. 13, lines 14-53 and col. 14, lines 7-36, col. 15, lines 1-14, col. 20, lines 1-7, col. 21, lines 54-61, col. 25, lines 52-60, col. 30, lines 29-42; the information agent and customer which are stored in the database, retrieved to forward to the work station of agent, database 4110

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for storing the information above customer and agent). However, Stovall and Miloslavsky fail to disclose a step of selecting an agent from a plurality of agents based on the determined of overall type of question based on the search. In the same field of endeavor, Cave discloses a method of selecting a suitable agent from a pool of agent based upon the context of the activated web page audio icon and a history of the requests in order to establish internet telephony between the internet user and the selected agent (See col. 3, lines 35 to col. 4, lines 24 and Fig 7, col. 5, lines 18-27, wherein the search for agent based on context and history of the requested are used as the search terms).

Since, Cave suggests the user of a mouse to contact a suitable agent based on the history of the request from the server and Miloslavsky suggests that the telephone number can be replaced with the Internet address of the customer when the customer submits the information to the call center for establishing a voice call between the customer and agent. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply teaching of Cave such as selecting a suitable agent from a pool of agent based upon the context of the activated web page audio icon and a history of request in order to establish internet telephony between the internet user and the selected agent and Miloslavsky such as determining a history requested of customer to select a skill agent based on request and context of current web page into Stovall's communication system. The motivation would have been to avoid a long distance charge when the customer requests some information about the transaction.

As claims 4 and 23, it is a designer choice for correlating a training level of an agent of the plurality of agents with an information content of an audio-access icon of the at least some web pages because Miloslavsky suggests a training room (See col. 24, lines 1-13).

As claims 14 and 33, Stoval, Cave and Miloslavsky fail to disclose the claimed invention. However, the examiner takes an official notices that a method of create an entry information web page such as credit card to allow the customer to enter data is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the to create a field to allow customer to enter credit card number into Stoval, Cave and Miloslavsky because Miloslavsky suggests the credit card number can submit during a voice conversation between the customer and agent.

As claims 40-41, Stovall, Cave and Miloslavsky fail to disclose the claimed invention. However, it would have been explicit to one of ordinary skill in the art to apply a look up table in a memory of the web site controller which relates to the information content of each web page of the at least some web pages with an audio access icon disposed on the web page and a call distribution look up table which correlates to the level of an agent group of the plurality of agent groups with information content of an audio access icon of the at least some web pages in order to display the correct information web page and establish a correct call path when the user click on the web page because it is well known and expected in the art.

8. Claims 6-7, 25-26 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoval, Cave and Miloslavsky as applied to claim 1, 20 and 37 above, and further in view of Gerber (USP 5657383).

As claims 6-7, 25-26 and 43-44, Stoval, Cave and Miloslavsky disclose an ACD. However, they fail to disclose the claimed invention. In the same field of endeavor, Gerber discloses a step of measuring a time period that the user has been in the call queue and comparing the measured time with a threshold value and overflowing the user to a queue of



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another agent group when the measured time exceeds the threshold (Fig 6A-6C discloses a call which places in the queue of team A for period of time and using this time to comparing with a threshold in order to move the user to another team such as Team B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the method for identifying the waiting period of a user and comparing it with a threshold in order to transfer the user to another group of an agent as taught by Gerber et al into the communication system of Stoval, Cave and Miloslavsky. The suggestion/motivation would have been to avoid an overflow of a queue of a level of a group of agents.

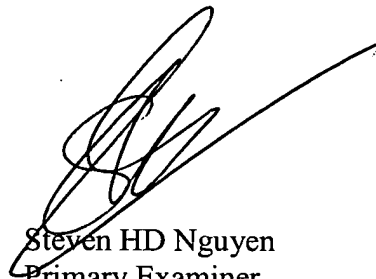
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Steven HD Nguyen', is written over the printed name.

Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
1/21/05